

United States Environmental Protection Agency POSITION DESCRIPTION COVERSHEET		1. DUTY LOCATION WASHINGTON, DC		2. POSITION NUMBER <i>0003 905 14</i>	
3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position					
	b. Title	c. Service	d. Series	e. Grade	f. CLC
Official Allocation	<i>Attorney Adviser</i>	<i>GS</i>	<i>905</i>	<i>14</i>	<i>001</i>
4. SUPERVISOR'S RECOMMENDATION	ATTORNEY-ADVISER	GS	0905	14	
5. ORGANIZATIONAL TITLE OF POSITION (if any)			6. NAME OF EMPLOYEE Diane Lynne		
7. ORGANIZATION (give complete organizational breakdown)					
a. U. S. ENVIRONMENTAL PROTECTION AGENCY			e.		
b. OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE			f.		
c. OFFICE OF SITE REMEDIATION ENFORCEMENT			g.		
d. IMMEDIATE OFFICE			h. EPAYS Organization Code 2271000		
8. SUPERVISORY/MANAGERIAL DESIGNATION					
<input type="checkbox"/> [S] First or Second level supervisor: An individual who performs supervisory work and managerial responsibilities that require accomplishment of work through combined technical and administrative direction of others and meets the requirements for coverage as described in the General Schedule Supervisory Guide. <input type="checkbox"/> [A] An individual (as defined in Section 7103(a)(10) of Title V of the U.S. Code) who is authorized to hire, direct, assign, promote, reward, transfer, lay off, suspend, discipline, or remove one or more employees, or effectively recommend such action. The exercise of this responsibility is not routine or clerical in nature, but requires the consistent exercise of independent judgment. <input type="checkbox"/> [M] A manager who directs the work of an organization; is accountable for the success of line or staff programs; monitors, evaluates, and adjusts program activities; and performs the full range of duties outlined in the General Schedule Supervisory Guide. May also include deputies who fully share responsibility for managing the organization or who serve as an alter ego to the manager. <input type="checkbox"/> [B] A management official (as defined in Section 7103(a)(11) of Title V of the U.S. Code) who formulates, determines or influences an organization's policies. This means creating, establishing, or prescribing general principles, plans, or courses of action for an organization; or bringing about a course of action for the organization. Management officials must actively participate in shaping the organization's policies not just interpret laws and regulations give resource information or recommendations or serve as experts or highly trained professionals who implement or interpret the organization's policies and plans. <input type="checkbox"/> [TL] "Team Leader" This position meets the requirements for coverage under Part II of the Work Leader Grade Evaluation Guide. <input checked="" type="checkbox"/> [N] None of the above applies. This is a non-supervisory/non-managerial position.					
9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor ELLIOTT GILBERG, DEPUTY DIRECTOR, OSRE			d. Typed Name and Title of Second-Level Supervisor MARCIA E. MULKEY, DIRECTOR, OSRE		
b. Signature <i>Elliott Gilberg</i>		c. Date <i>11/10/08</i>	e. Signature <i>Marcia E. Mulkey</i>		f. Date <i>11/10/08</i>
10. OFFICIAL CLASSIFICATION CERTIFICATION					
a. <input type="checkbox"/> This position has no promotion potential. <input type="checkbox"/> If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:			b. Fair Labor Standards Act <input type="checkbox"/> Nonexempt <input type="checkbox"/> Exempt		c. Functional Code
d. Bargaining Unit Code <i>0004</i>	e. Check, if applicable: <input type="checkbox"/> Medical Monitoring Required <input type="checkbox"/> Extramural Resources Management Duties (___ % of time) <input type="checkbox"/> This position is subject to random drug testing (___)		f. Signature <i>Ellie M. Mulkey</i>		g. Date <i>11/25/08</i>
11. REMARKS					

ATTORNEY-ADVISER
GS-905-14

I. INTRODUCTION

This position is located in the Office of Site Remediation Enforcement (OSRE), in the Office of Enforcement and Compliance Assurance (OECA). Under the authorities of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and the Oil Pollution Act (OPA), OSRE is responsible for the national enforcement program, implemented through EPA Regional Offices and RCRA state programs, to protect human health and the environment by ensuring that responsible parties clean up solid and hazardous waste, and respond to oil spills. The Office is responsible for implementing enforcement provisions of these statutes, managing technical and legal policy and guidance development and coordination, providing training expertise to support EPA's site remediation enforcement efforts, formulating annual and multi-year budgets, strategic plans and program measures, conducting program evaluations, and coordinating/responding to inquiries from internal and external sources, such as: OMB, Congress, GAO, headquarters and regional entities. The position requires excellent oral and written communication skills, strong analytical ability, and the ability to work collegially across all of OECA and EPA's offices.

II. MAJOR DUTIES AND RESPONSIBILITIES

1. Contributes to the efforts of the Office in the development and implementation of policy, cases and priorities for the site remediation enforcement program.
2. Serves as a national expert in a number of significant Superfund and RCRA corrective action enforcement policy areas. Provides written and verbal advice and assistance regarding these subjects to various Headquarters, Regional and Department of Justice personnel.
3. Reviews draft enforcement policy or legal guidance, and provides comments through the supervisor to senior management. Recommends when such policies or guidance are needed.
4. Provides assistance to Agency officials in preparation of Congressional testimony and reports relating to the Agency's enforcement activities for the waste media.
5. Plan and directs special projects. Duties may also include implementation of certain tasks for special projects. These special projects may include substantive policy and programmatic projects, preparation of testimony for Congressional hearings and briefings, case studies, and program assessments of issues of special interest. Make recommendation to the supervisor based on findings which may

result in the development of new policies or strategies or revisions of existing policies or strategies to more closely reflect changing conditions in site remediation enforcement. Use training and expertise to provide guidance and advice to supervisor on the impact of enforcement policies and activities.

6. Provides legal counsel to media program offices and Regional Offices concerning case development, administrative actions, compliance monitoring activities, and other enforcement-related actions. Provides legal advice to technical personnel throughout the Agency who are involved in enforcement actions or investigations.
7. Interprets facts, the applicable law and recommends appropriate action to develop materials which become part of the basis for the Agency's conduct of litigation on behalf of the Agency.
8. Maintains a comprehensive knowledge of important developments affecting legal and regulatory aspects of site remediation enforcement policies and operations.
9. Other duties as assigned.

III. FACTORS

1. KNOWLEDGE

Expert knowledge of analytical and evaluative methods and a thorough understanding of how regulatory and enforcement programs are administered to select and apply appropriate evaluation and implementation strategies. This may include evaluating the content of new or modified legislation for projected impact upon the Agency's programs or resources.

2. SUPERVISORY CONTROLS

Incumbent receives general administrative direction. The incumbent designs, plans and carries out projects with minimal supervision. Work products are considered as technical authoritative and are generally accepted without significant change. Normally review is only a determine fulfillment of program objectives or influence on the overall program.

3. GUIDELINES

In addition to technical and legal material, guidelines include public laws and agency regulations and policy statements from the Federal, State and local levels. The incumbent use resourcefulness and judgment to develop and interpret agency guidelines and guidance and adapts available guidelines to specific issues or subjects being studied.

4. COMPLEXITY

The work consists of projects and studies which require the analysis of programmatic issues. Studies involve substantive policy and management issues and require developing detailed plans, goals and objectives for long-range application and implementation. The work involves gathering information, identifying and analyzing issues, assessing the advantages and disadvantages of various options, taking into account budget projections, contract support, policy and policy and management decisions. Incumbent is working in a complex area, with socio-economic implication, under close public scrutiny, and is responsible for ensuring national consistency.

5. **PERSONAL CONTACTS.**

The incumbent has very responsible personal contacts, conferring or negotiating with top administrative personnel in the agency, private business, or state, local, or foreign governments on important legal and policy questions.

6. **NATURE AND SCOPE OF RECOMMENDATIONS AND DECISIONS**

Advice on the interpretation of law or on proposed changes in legislation, policy and regulations is often given directly to heads of programs or representatives of state and local governments. In some instances recommendations are made through a supervisor, but these recommendations are usually tantamount to final decision. The incumbent is responsible for recognizing when the matter under discussion is of such precedent-setting nature of importance, or delicacy in that the advice must be cleared with superiors before it is provided.

7. **QUALIFICATIONS**

L.L.B. or J.D. degree from an accredited law school and admission to practice before the highest court of a State or the District of Columbia. Must have knowledge of environmental law and trial preparation.

8. **PHYSICAL DEMANDS**

The work is primarily sedentary, but involves travel to EPA regions, training sites and sites which require some slight physical efforts.

9. **WORK ENVIRONMENT**

Work is typically performed in an adequately lighted and climate controlled office.

Extramural Resources Management Duties Checklist

This checklist may be used to identify duties in managing contracts, grants, cooperative agreements, and interagency agreements. It is a tool for identifying duties to be added to position descriptions for positions requiring 25% or more of time on any combination of extramural resources management duties. The checklist may be used as an amendment to position descriptions for positions requiring less than 25% of time on these duties.

Employee Information

Name Diane Lynne

Position Number _____

Title ATTORNEY-ADVISER

Series/Grade GS-0905-14

Organization OECA/OSRE/IO

Percentage of Time Spent on Extramural Resources Management

- _____ This position has no extramural resources management responsibilities.
- ☒ Total extramural resources management duties occupy less than 25% of time.
- _____ Total extramural resources management duties occupy 25% to 50% of time. These duties are indicated below and described in the position description.
- _____ Total extramural resources management duties occupy more than 50% of time. These duties are indicated below and described in the position description.

When this checklist is used as an amendment to a position description, the following signatures are required:

Supervisor's Signature Marcia E. Mulkey, Director, OSRE

Date 11/10/08

Personnel Specialist's Signature _____

Date _____

Part 1. Contracts Management Duties

Pre-award:

- _____ Plans procurements
- _____ Estimates costs
- _____ Obtains funding commitments
- _____ Prepares procurement requests
- _____ Writes statements of work
- _____ Reviews statements of work
- _____ Processes unsolicited proposals
- _____ Responds to pre-award inquiries
- _____ Participates in pre-award conferences
- _____ Conducts technical evaluation of proposals
- _____ Participates in debriefing/protests
- _____ Other (list)

Post-award:

- _____ Prepares delivery orders
- _____ Reviews contractor work plans
- _____ Reviews contractor progress reports
- _____ Monitors government-furnished property
- _____ Monitors cost, management, and overall technical performance of contract after award

- _____ Monitors management and performance of delivery orders/work assignments after award
- _____ Defines scope of work for work assignments
- _____ Approves payment requests or ACH drawdowns
- _____ Manages cost-reimbursement contracts
- _____ Reviews invoices
- _____ Inspects and accepts deliverables
- _____ Other (list)

Close-out:

- _____ Writes reports on contractor performance, costs, and tasks performed
- _____ Reconciles payments with work performance
- _____ Closes out payments
- _____ Performs cost accounting
- _____ Provides assistance to Contracting Officer in settling claims
- _____ Other (list)

Percentage of Time Spent on Contracts Management:

%

Part 2. Grants/Cooperative Agreements Duties

Pre-application/Application:

- ☐ Prepares solicitation for proposals
- ☐ Identifies potential grantees for areas of program emphasis
- ☐ Makes initial determinations (whether project is procurement or assistance, whether agency has legal authority, whether applicant is eligible, whether funding is available, etc.)
- ☐ Provides administrative information to applicants
- ☐ Determines appropriateness of applicant's workplan/activities/budget and compliance with regulations and guidelines and negotiates changes with applicant
- ☐ Assists applicant in resolving issues in application
- ☐ For cooperative agreement, determines substantial Federal involvement and develops a condition for agreement
- ☐ Negotiates level of funding
- ☐ Conducts site visits to evaluate program capability
- ☐ Serves as resource to Selection Panel
- ☐ Informs applicants of funding decisions
- ☐ Other (list)

Award:

- ☐ Prepares funding package, including Decision Memorandum
- ☐ Obtains concurrences/approvals
- ☐ Reviews/concurs in completed document
- ☐ Establishes project file
- ☐ Other (list)

Project Management/Administration:

- ☐ Monitors recipient's activities and progress
- ☐ Reviews reports and deliverables and notifies recipient of comments
- ☐ Provides technical assistance to recipients

- ☐ Advises Grants Management Office of potential problems/issues
- ☐ Participates in decision/actions to ensure successful project completion and in decisions to impose sanctions
- ☐ Approves payments requests or ACH drawdowns
- ☐ Reviews requests for modifications, additional funding, etc. and makes recommendations to Grants Management Office
- ☐ Negotiates amendments
- ☐ Reviews Cost/Price/Analysis for recipient contracts/change orders (Superfund only)
- ☐ When necessary, recommends termination of the agreement
- ☐ Resolves with Grants Management Office administrative and financial issues
- ☐ Conducts periodic reviews to ensure compliance with agreement
- ☐ Other (list)

Close-out:

- ☐ Certifies deliverables were satisfactory and timely
- ☐ Provides assistance to recipients and Grants Management Office to ensure timely closeout
- ☐ Reconciles payment with work performed
- ☐ Notifies recipient of close-out requirements
- ☐ Obtains legal assistance if necessary to resolve incomplete close-out
- ☐ If project is audited, responds to issues and ensures recipient complies with audit recommendations
- ☐ Other (list)

Percentage of Time Spent on Grants/Cooperative Agreements Management:

%

Part 3. Interagency Agreements Duties

Pre-Agreement:

- ☐ Plans and negotiates work effort
- ☐ Estimates costs
- ☐ Obtains funding commitments
- ☐ Prepares commitment notice
- ☐ Writes or reviews scope of work
- ☐ Responds to pre-agreement inquiries
- ☐ Participates in pre-agreement conferences
- ☐ Coordinates with appropriate staff in developing Independent Government Cost Estimates (IGEs)
- ☐ Negotiates and ensures execution of Superfund State Contracts (Superfund only)
- ☐ Performs technical evaluation of work plan and budget
- ☐ Prepares funding package and obtains necessary concurrences
- ☐ Other (list)

- ☐ Monitors cost management and overall technical performance
- ☐ Participates in decisions about project modification/termination
- ☐ Conducts periodic review of Superfund State contracts payment receipts (Superfund only)
- ☐ Inspects and accepts deliverables
- ☐ Other (list)

Close-out:

- ☐ Reviews final report
- ☐ Decides on disbursement of equipment
- ☐ Reconciles payments with work performed
- ☐ Reviews Superfund State Contracts to ensure full reimbursement (Superfund only)
- ☐ Certifies deliverables
- ☐ Resolves close-out issues with Grants Management Office/other agency
- ☐ Other (list)

Project Management/Administration:

- ☐ Reviews progress reports/financial reports

Time Spent on Interagency Agreements Management:

%